

attached hereto, and such description is incorporated and made a part hereof by reference.

4. As of **November 17, 2023**, the outstanding amount of the Obligations is **\$238,502.86**.

5. In addition to the other amounts due to Movant reflected in this Motion, as of the date hereof, in connection with seeking the relief requested in this Motion, Movant has also incurred **\$1,138.00** in legal fees and costs. Movant reserves all rights to seek an award or allowance of such fees and expenses in accordance with applicable loan documents and related agreements, the Bankruptcy Code and otherwise applicable law.

6. As of **November 17, 2023**, the Debtors have failed to make **3** payments due pursuant to the terms of the Note.

7. The estimated market value of the Property is **\$280,000.00**. The basis for such valuation is **Debtors' Schedules**.

8. Cause exists for relief from the automatic stay for the following reasons:

- a. Movant's interest in the Property is not adequately protected.
- b. Movant's interest in the collateral is not protected by an adequate equity cushion.
- c. Pursuant to 11 U.S.C. § 362(d)(2)(A), Debtors have no equity in the Property; and pursuant to § 362(d)(2)(B), the Property is not necessary for an effective reorganization.

9. The Movant is entitled to an order deeming the Property abandoned by the Trustee as an asset of the bankruptcy estate, pursuant to 11 U.S.C. § 554.

WHEREFORE, Movant prays that this Court issue an Order terminating or modifying the stay and granting the following:

1. Relief from the stay for all purposes allowed by law, the Note, the **Deed of Trust**, and applicable law, including but not limited to allowing Movant (and any successors or assigns) to proceed under applicable non-bankruptcy law to enforce its remedies to foreclose upon and obtain possession of the Property.

2. That the Order be binding and effective despite any conversion of this bankruptcy case to a case under any other chapter of Title 11 of the United States Code.
3. That the Property be deemed abandoned by the Chapter 7 Trustee as an asset of the Bankruptcy estate effective upon entry of the Court's order.
4. For such other relief as the Court deems proper.

RUBIN LUBLIN, LLC

/s/ Natalie Brown

Date: 11/22/23

Natalie Brown

MS State Bar No. 100802

Rubin Lublin, LLC

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Attorney for Creditor

CERTIFICATE OF SERVICE

I, Natalie Brown of Rubin Lublin, LLC certify that I caused a copy of the Motion for Abandonment and Relief from Automatic Stay (Real Property) to be filed in this proceeding by electronic means and to be served by depositing a copy of same in the United States Mail in a properly addressed envelope with adequate postage thereon to the said parties as follows:

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Executed on 11/22/23

By: /s/ Natalie Brown
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